



**BEFORE THE BOARD OF DIRECTORS OF
NORTHWEST BOISE SEWER DISTRICT, ADA COUNTY, IDAHO**

062

**IN THE MATTER OF THE INCLUSION
OF CERTAIN REAL PROPERTY IN THE
NORTHWEST BOISE SEWER DISTRICT
OWNED BY CLAREMONT REALTY
COMPANY**

ORDER OF INCLUSION

THIS MATTER having come on regularly for hearing this 10th day of June, 2013, pursuant to a Petition filed with the Board of the Northwest Boise Sewer District (the "District") on May 15, 2013, by Michael L. Simplot, President of **Claremont Realty Company**, Petitioner and Owner, and pursuant to a notice by publication in the Idaho Statesman, a newspaper of general circulation within the District, on May 27, 2013 and June 3, 2013, the proof of which more fully appears in the Affidavit of Publication attached hereto. No person appeared to protest the inclusion of the real property owned by Petitioner; and

Since the property proposed to be annexed was not contained in the original boundaries of the District, the Board will require that the property be annexed subject to certain conditions hereafter set forth.

The Board has a contract with the City of Boise for the treatment of the effluent collected by the District. The Board is of the opinion that the territory should be annexed to the District but when sewer service is requested, in addition to the District's tap-in charges, the following conditions are to be met:

1. The District will charge the then current Boise City treatment plant connection charge for any residential or residential equivalent unit and upon receipt of this connection charge disburse the amount to the City of Boise. The purpose of this requirement is to insure that all

property within the District will pay a reasonable charge for use of the capacity in the Boise treatment plant.

2. Responsibility for construction, operation and maintenance of the building sewer line to its connection to the end of the service connection shall remain with the Owner of the annexed area.

There being no objection to the inclusion of said property owned by Petitioner, subject to said conditions, and the Board being fully advised,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that it is in the best interests of the Petitioner and the District that the subject parcel of property described on Exhibit A attached hereto be and the same is hereby included within the District.

When sewer service is requested, the District will require at the time of connection of any residential or residential equivalent unit in addition to all fees and charges of the District, the connection fee imposed by the City of Boise according to the current City ordinance at the time of connection to the Northwest Boise Sewer District.

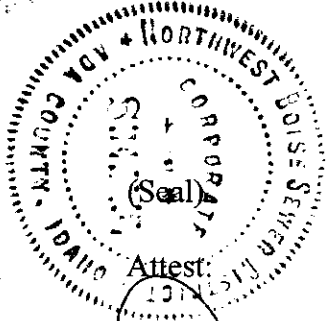
Responsibility for construction, operation and maintenance of the building sewer line to its connection to the end of the service connection shall remain with the Owner of the annexed area.

IT IS FURTHER ORDERED that the Petitioner and Owner of the said property described in Exhibit A attached hereto gives evidence of approval of the foregoing conditions by execution of the Consent hereinafter set out. Upon receipt of an executed copy of the Order of Inclusion of the District and Consent by the District's attorneys, said attorneys are directed to record a copy of this Order, together with appropriate map(s), with the Ada County Recorder's Office, and to thereafter file copies of the recorded instrument with the Ada County Assessor, the State Tax Commission and the Ada County Auditor.

Dated this 10th day of June, 2013.

NORTHWEST BOISE SEWER DISTRICT

By: *Lotwick I. Reese*
Lotwick I. Reese, Chairman



Attest:

Joannette Cox
Joannette Cox, Secretary

C O N S E N T

The undersigned hereby consent to the conditions contained in the Board's Order annexing the subject parcels described on Exhibit A attached hereto.

Dated this 15th day of May, 2013.

By: Michael L. Sussit

EXHIBIT A

Legal Description

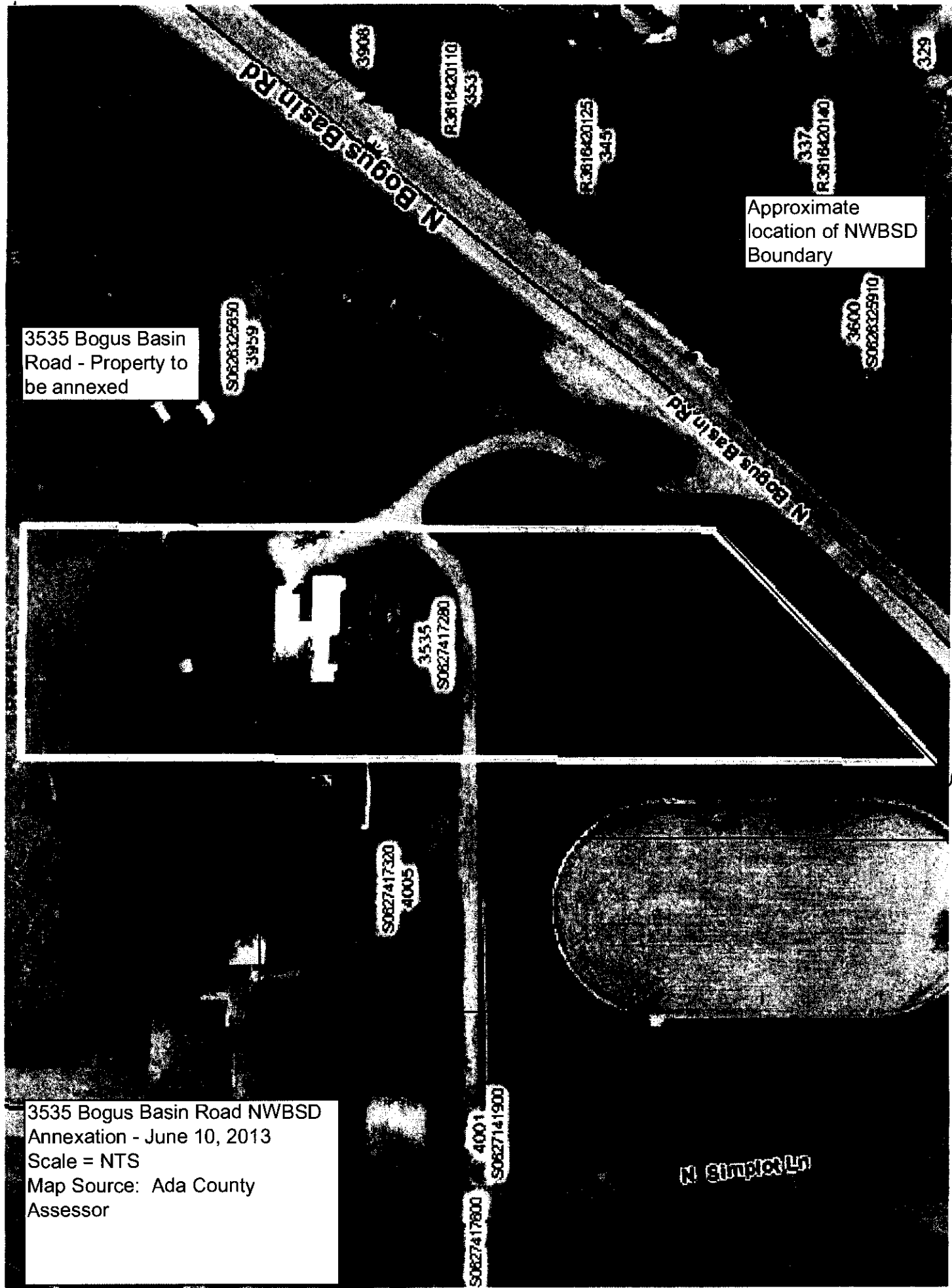
Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 27, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho; running thence Forty (40) rods North; thence Nine (9) rods West; thence Forty (40) rods South; thence Nine (9) rods East to the point of beginning.

EXCEPT commencing at the section corner common to Sections 26, 27, 34, and 35. Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho; thence North $11^{\circ}53' 1/2''$ West, 1001.66 feet; thence North $25^{\circ}39'$ West, 229.47 feet; thence North $54^{\circ}41'22''$ East, 227.31 feet to an iron pin; which is the real point of beginning; thence East, 114.65 feet to an iron pin; thence North $0^{\circ}14'36''$ East, 105.92 feet to an iron pin; thence along the Northeasterly right-of-way boundary of Bogus Basin Road on a curve to the right, a distance of 155.84 feet to an iron pin to the real point of beginning, said curve having a central angle of $6^{\circ}07'36''$, a radius of 1457.40 feet and a long chord bearing South $47^{\circ}09'12''$ West, a distance of 155.77 feet.

3535 Bogus Basin Road - Property to be annexed

Approximate location of NWBSD Boundary

3535 Bogus Basin Road NWBSD
Annexation - June 10, 2013
Scale = NTS
Map Source: Ada County
Assessor



Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

LEGAL PROOF OF PUBLICATION

| Account # | Ad Number | Identification | PO | Amount | Cols | Lines |
|-----------|------------|----------------|----------------------------|----------|------|-------|
| 31909 | 0000644199 | LEGAL NOTICE | NWBoiseSewer/ClairemontRlt | \$199.08 | 2 | 55 |

Attention: Julie Harrison

EVANS KEANE ATTORNEYS AT LAW

PO BOX 959

BOISE

ID

83701

LEGAL NOTICE NOTICE OF INCLUSION OF CERTAIN REAL PROPERTY IN THE NORTHWEST BOISE SEWER DISTRICT, ADA COUNTY, IDAHO

TO: ALL INTERESTED PERSONS, PUBLIC NOTICE IS HEREBY GIVEN:

That on the 15th day of May, 2013, pursuant to Idaho Code Section 42-3218, there was filed in the Office of the Board of Directors of the Northwest Boise Sewer District, Ada County, Idaho, a Petition for the Inclusion of Certain Real Property in the Northwest Boise Sewer District, by Michael L. Simplot, President of **Clairemont Realty Company**, owner of certain real property located outside of said Northwest Boise Sewer District, situated in the County of Ada, State of Idaho, and more particularly described as follows:

Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 27, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho; running thence Forty (40) rods North; thence Nine (9) rods West; thence Forty (40) rods South; thence Nine (9) rods East to the point of beginning.

EXCEPT commencing at the section corner common to Sections 26, 27, 34, and 35, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho; thence North 11°53' 1/2" West, 1001.66 feet; thence North 25°39' West, 229.47 feet; thence North 54°41'22" East, 227.31 feet to an iron pin; which is the real point of beginning; thence East, 114.65 feet to an iron pin; thence North 0°14'36" East, 105.92 feet to an iron pin; thence along the Northeasterly right-of-way boundary of Bogus Basin Road on a curve to the right, a distance of 155.84 feet to an iron pin to the real point of beginning, said curve having a central angle of 6°07'36", a radius of 1457.40 feet and a long chord bearing South 47°09'12" West, a distance of 155.77 feet.

The said Petitioner requests that the real property described above be included in the Northwest Boise Sewer District, Ada County, Idaho.

Petitioner states that he is aware that as a condition of annexation the Petitioner will be required to install to the District's specifications any sewer lines necessary to connect Petitioner's service lines to the District's collection system, and that the District will require at the time of connection of any residential or residential equivalent unit, in addition to all fees and charges of the District, a connection fee in the amount of the current treatment plant connection fee made by the City of Boise according to the current City ordinance at the time of connection to the Northwest Boise Sewer District.

That a public hearing on said Petition will be held at 3600 Hill Road, Boise, Idaho, the office of the Northwest Boise Sewer District on the 10th day of June, 2013, at the hour of 7:15 p.m., where all persons interested may appear and show cause in writing, if any they have, why said Petition should not be granted.

DATED this 17th day of May, 2013.
NORTHWEST BOISE SEWER DISTRICT
ADA COUNTY, IDAHO
By /s/ Lotwick I. Reese, Chairman
ATTEST: /s/ Joannette Cox, Secretary

Pub. May 27, 2013, and June 3, 2013

0000644199-01

ALEXIS FOWLER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 05/27/2013

Ending issue of: 06/03/2013

Alexis Fowler
(Legal Clerk)

STATE OF IDAHO)

SS

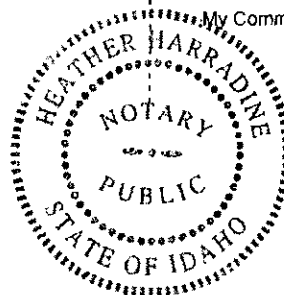
COUNTY OF ADA)

On this 3 day of June in the year of 2013 before me, a Notary Public, personally appeared before me Alexis Fowler known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine
Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014

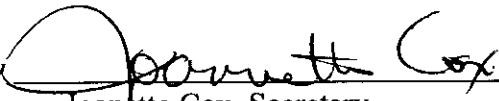


SECRETARY'S CERTIFICATE

I, Joannette Cox, Secretary of the Northwest Boise Sewer District, Ada County, Idaho, hereby certify that attached hereto are true and correct copies of the following documents:

1. Petition for the Inclusion of Certain Real Property in the Northwest Boise Sewer District, by Michael L. Simplot, President of Claremont REalty;
2. Certificate of Publication with respect to the hearing on such inclusion; and
3. Board Order of Inclusion, together with Petitioner's Consent.

NORTHWEST BOISE SEWER DISTRICT

By  _____
Joannette Cox, Secretary



EVANS
KEANE LLP
Attorneys at Law

Boise Office
1405 West Main Street
P.O. Box 959
Boise, Idaho 83701-0959

Phone: 208-384-1800
Fax: 208-345-3514
firm@evanskeane.com
www.evanskeane.com



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James D. Hovren
JHovren@evanskeane.com

June 17, 2013

VIA HAND DELIVERY

IDAHO STATE TAX COMMISSION
800 Park Blvd.
Boise, ID 83722-0036

TAX COMMISSION
JUN 17 2013
TAXPAYER SERVICES

RE: Northwest Boise Sewer District
Property Owner: Claremont Realty Company

To Whom It May Concern:

Pursuant to Idaho Code Sections 42-3218 and 63-215, I am enclosing a copy of the Sewer District's Board Order of Inclusion, ordering certain real property within Ada County be included within the boundaries of the Northwest Boise Sewer District. Attached to the Board Order, please find a map of the included property.

I have included a second copy of this letter. **Please sign and date this letter and return it to our runner to acknowledge your receipt of same.** If you have any questions, please do not hesitate to call me at this office.

Yours very truly,

EVANS KEANE LLP


James D. Hovren

JDH;jh
Enclosures

RECEIVED BY: _____
DATE: _____